IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI

WEDNESDAY, THE 22ND NOVEMBER 2006 / 1ST AGRAHAYANA 1928

Crl.Rev.Pet.No. 677 of 1998()

CRA.30/1996 of ADDITIONAL SESSIONS COURT, THODUPUZHA
CC.253/1992 of JUDL. MAGISTRATE OF FIRST CLASS-I, THODUPUZHA

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REVN. PETITIONER/APPELLANT/2ND ACCUSED

JOY S/O.JOHN, PATHIPLACKAL HOUSE,
THONAMKUTHUYBHAGOM, NEYYASSERI
VILLAGE, THODUPUZHA.

BY ADV. SRI.N.A.MURALEEDHARAN

RESPONDENT/RESPONDENT/COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HGIH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR MR.P.RAVINDRA BABU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 22/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.K. BALI, C.J.

Crl.R.P.No.677 of 1998

Dated, this the 22nd day of November, 2006

ORDER

V.K.Bali,C.J.(Oral)

Petitioner along with his co-accused (A1) was tried for offences under Sections 27(1)(g) and (2)(c) of the Kerala Forest Act and sentenced to undergo simple imprisonment for four months each under Section 27(1)(g) and four months each under Section 27(2)(c) of the said Act vide order dated 8th January, 1996 passed by the Judicial Magistrate of the First Class-I, Thodupuzha. The appeal preferred against the order aforesaid by the petitioner (A2) was partly allowed and he was sentenced to undergo simple imprisonment for one month each under Sections 27(1)(g) and 27(2)(c) of the Kerala Forest Act and the above sentences were ordered to run concurrently vide order dated 20th July, 1998 passed by the learned Additional Sessions Judge, Thodupuzha. It is against this order that the present revision has been filed.

2. The allegation against the petitioner and his co-accused was that on 28.3.1990 and 20.5.1990 they criminally trespassed into the reserve forest inside the teak plantation No.1965 at

Kuzhimattam beat within the Thodupuzha Reserve and Range and cut and removed four teakwood trees costing Rs.1100/- thereby causing a loss of Rs.2500/-to the Government.

3. The learned counsel appearing for the petitioner without joining issues on the merits of the case contends that the occurrence pertains to the year 1990 and in the manner aforesaid the petitioner has already suffered agony of a protracted trial spanned over a period of more than 16 years and at this distance of time he may not be sent to serve a jail term.

4. In totality of the facts and circumstances of the case, this Court is of the view that interests of justice will be served if while maintaining the order of conviction the petitioner is asked to pay a fine of Rs.2500/- instead of undergoing the jail sentence. Ordered accordingly. In case the fine as mentioned above is not paid the petitioner would undergo the jail term as imposed by the lower appellate court.

Revision petition is disposed of accordingly.

V.K. BALI,
CHIEF JUSTICE.

vns